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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

QUENTIN TODD VERNON,

Defendant and Appellant.

G039810

(Super. Ct. No. 06WF1330)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, Frank F. Fasel, Judge. Affirmed.

Valerie G. Wass, under appointment by the Court of Appeal, for Defendant and Appellant.

Edmund G. Brown, Jr., Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Gary W. Schons, Assistant Attorney General, Barry Carlton and Susan Miller, Deputy Attorneys General, for Plaintiff and Respondent.

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We disagree with defendant's contention there is insufficient evidence to support his conviction. We affirm.

I

FACTS

A jury found defendant Quentin Todd Vernon guilty of second degree robbery as charged in count one of the information, and guilty of false imprisonment by violence as charged in count two. The court sentenced him to 11 years in state prison.

Douglas Tier, a Rite Aid store manager in Huntington Beach, arrived for work a little after 7:00 o'clock in the morning of March 9, 2006 to "get the store open, put the cash in the registers" before the store was to open at 8:00 a.m. After he shut off the alarm, he "turned around and . . . saw a dark van pull up kind of catty-corner in between, you know, the Beef Palace and the Mail Place that's next-door to the Beef Palace. I didn't really think of anything unusual because a lot of cars pull up there in the morning."

The door to his office locks automatically. As he sat in his office working on his computer, he looked through the office's window and "saw something moving down by the first register." He turned to the surveillance video and saw "somebody crouching behind the first register." He was black and wore dark clothing and a knit hat. Tier picked up the phone to dial 911 and someone else "jumped over the top of the office wall with a crowbar." He was wearing something on his head.

The man said to Tier, "Did you call anybody?" Tier responded that he had not. The man grabbed Tier and reached into his pockets and took his money clip, about \$400 and his cell phone. He then ordered Tier to open the safes. Tier complied, opening two of the three safes, explaining the third was on a time delay. The man then ordered Tier "to turn around and facedown on the floor" and "to put [his] hands behind [his] back." The man then tied Tier's hands and feet. While he was being tied up, Tier could

hear change being emptied out of the drawers, so he assumed there was someone else in his office at that time. While he was bound, Tier could hear someone taking property from the trays and the eject button for the surveillance tape.

Once Tier thought the men had left, he kicked off his shoes, got on his knees and made his way to the door and saw them leaving the store. With his hands still tied behind his back, he managed to dial 911. When the police arrived, they cut the zip ties off Tier's hands.

About \$2,800 was taken from the safes. There were pry marks on the door of the store and the locking mechanism was broken. Tier told the police both men wore "dark cotton-type gloves."

At a later time, the police showed Tier a photo lineup. He identified the man who jumped over the wall and confronted him with the crowbar. The man Tier picked out of the photo lineup is named Christopher Stephens. Defendant is Stephens' roommate.

The police searched Stephens' home in Los Angeles, and prior to serving the search warrant saw defendant standing outside the home. Defendant's driver's license and an identification card with defendant's name and the address of the house being searched were found in one of the bedrooms. Paperwork bearing Stephens' name was also found in the house.

Defendant's DNA was found on Tier's office wall. When defendant was arrested, he had a pair of black cotton gloves in his pocket.

II

DISCUSSION

On appeal, defendant concedes there is suspicion he was one of the perpetrators, but contends there is a lack of substantial evidence to support the suspicion.

He says the evidence in the record does not constitute reasonable evidence of solid value that is necessary to support the verdict.

In addressing challenges to the sufficiency of evidence, “the reviewing court must examine the whole record in the light most favorable to the judgment to determine whether it discloses substantial evidence — evidence that is reasonable, credible and of solid value — such that a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt. [Citation.] The appellate court presumes in support of the judgment the existence of every fact the trier could reasonably deduce from the evidence. [Citations.] The same standard applies when the conviction rests primarily on circumstantial evidence. [Citation.] Although it is the jury’s duty to acquit a defendant if it finds the circumstantial evidence susceptible of two reasonable interpretations, one of which suggests guilt and the other innocence, it is the jury, not the appellate court that must be convinced of the defendant’s guilt beyond a reasonable doubt. [Citation.] “‘If the circumstances reasonably justify the trier of fact’s findings, the opinion of the reviewing court that the circumstances might also reasonably be reconciled with a contrary finding does not warrant a reversal of the judgment. [Citation.]”‘ [Citation.]” (*People v. Kraft* (2000) 23 Cal.4th 978, 1053-1054.)

Here there is evidence defendant was in Tier’s office. Defendant’s roommate was identified as one of the robbers. Both the robbers wore dark cotton gloves, and defendant had a pair of black cotton gloves in his pocket when he was arrested. We conclude substantial evidence supports the jury’s verdict.

III
DISPOSITION

The judgment is affirmed.

MOORE, J.

WE CONCUR:

O'LEARY, ACTING P. J.

FYBEL, J.